

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re

PURDUE PHARMA L.P., *et al.*,

Debtors.

Chapter 11

Case No. 19-23649 (RDD)

**STIPULATION AND AGREED ORDER REGARDING EXCHANGE OF EXHIBITS
FOR REMOTE EVIDENTIARY HEARING ON MARCH 24, 2021, IN CONNECTION
WITH MEDIA INTERVENORS' MOTIONS TO UNSEAL JUDICIAL RECORDS**

Dow Jones & Company, Inc., Boston Globe Media Partners, LLC, and Reuters News & Media, Inc. (the “Media Intervenors”) and members of the Raymond Sackler family (the “Raymond Sackler Family” or “Side B”) (collectively, the “Parties”), by and through their undersigned counsel, hereby stipulate and agree as set forth below in this stipulation and agreed order.

Recitals

A. The Media Intervenors filed their first unsealing motion on November 23, 2020,¹ followed by a second unsealing motion on December 22, 2020.²

B. Pursuant to a stipulation so ordered by the Court on December 15, 2020,³ Purdue Pharma L.P. and certain of its affiliates that are debtors in possession in the above-captioned chapter 11 cases, the Official Committee of Unsecured Creditors, the Sackler Families, the Ad

¹ *Motion to Intervene and Unseal Judicial Records by Dow Jones & Company, Inc., Boston Globe Media Partners, LLC, and Reuters News & Media, Inc.* [ECF 2022] (the “First Unsealing Motion”).

² *Second Motion to Unseal Judicial Records by Dow Jones & Company, Inc., Boston Globe Media Partners, LLC, and Reuters News & Media, Inc.* [ECF 2188] (the “Second Unsealing Motion”). The Second Unsealing Motion asked the Court to unseal all sealed and redacted judicial documents filed with the Court after the filing of the Media Intervenors’ First Unsealing Motion. *See* Second Unsealing Mot. at 1.

³ *Stipulation and Agreed Order Regarding Media Intervenors’ Motion to Unseal Materials Filed in Connection with UCC Privileges Motions* [ECF 2140] (the “Stipulation” or “Stip.”).

Hoc Group of Non-Consenting States, and the IACs⁴ agreed to publicly file the materials that no party asserted should remain under seal in three tranches prior to the January 20, 2021 hearing. Stip. at 5–8.

C. On December 14, 2020, the Raymond Sackler Family filed a statement in response to the Media Intervenor’s First Unsealing Motion,⁵ in which they objected to the disclosure of the names of third-party business counterparties and investment advisors that have ongoing commercial relationships with the Raymond Sackler Family, their entities, or trusts (“Current Counterparty Information”).

D. During argument on the propriety of continued sealing of the remaining contested documents at the January 20, 2021 hearing, the Court ordered the parties to submit supplemental briefing as to the fifteen documents referred to collectively as the “Privilege Log Materials,”⁶ requiring the Raymond Sackler Family and members of the Mortimer Sackler family to make a “particularized” showing to justify their redaction. Jan. 20, 2021 Hr’g Tr. at 122:13–19.

E. The Raymond Sackler Family filed a supplemental limited objection on February 7, 2021, in further support of their objection to the disclosure of Current Counterparty Information.⁷ The Side B opposition was accompanied by declarations from Garrett Lynam,

⁴ As used in this stipulation, “IACs” refer to the entities represented by Royer Cooper Cohen Braunfeld LLC in these Chapter 11 proceedings as of the date of the Stipulation.

⁵ *Statement of the Raymond Sackler Family in Respect of the Motion to Intervene and Unseal Judicial Records by Dow Jones & Company, Inc., Boston Globe Media Partners, LLC, and Reuters News & Media, Inc.* [ECF 2132].

⁶ *Declaration of Mitchell Hurley Dated September 29, 2020* [ECF 1754]: Exhibits A, B, and C, attachment to the letter in Exhibit 34; *Declaration of Mara Leventhal Dated October 14, 2020* [ECF 1812]: Exhibits 14, 93, 113, 114, 121, and 122, attachment to the letter in Exhibit 118; *Declaration of Arik Preis Dated November 18, 2020* [ECF 2015]: Exhibits A, B, and 195; *Declaration of Benjamin S. Kaminetzky in Support of Debtors’ Omnibus Objection to the Official Committee’s Motions to Compel Production of the Debtors’ Privileged Documents and Cross-Motion for a Protective Order* [ECF 1809]: Exhibit 69-1.

⁷ *Limited Objection of the Raymond Sackler Family to the First and Second Motions to Unseal Judicial Records by Media Intervenor Dow Jones & Company, Inc., Boston Globe Media Partners, LLC, and Reuters News & Media, Inc.* [ECF 2360].

General Counsel at Kokino LLC [ECF 2360-3], and Frank S. Vellucci, Executive Vice President and General Counsel at Summer Road LLC [ECF 2360-4] (collectively, the “Declarations”).

F. Following a hearing on February 17, 2021, the Court continued its ruling on whether Current Counterparty Information may be redacted from Privilege Log Materials. *Order Granting in Part, Denying in Part, and Continuing in Part Media Intervenors’ Motions to Unseal Judicial Records* at 3, ECF 2404. The Court ordered further that the Media Intervenors would have the opportunity to cross examine Mr. Lynam and Mr. Vellucci (collectively, the “Declarants”) at the next omnibus hearing on March 24, 2021, and directed the Media Intervenors to inform the Raymond Sackler Family whether they intended to cross examine the Declarants by March 10, 2021. *Id.* at 4.

G. The Media Intervenors informed the Raymond Sackler Family of their intent to cross examine the Declarants via email on March 10, 2021.

H. The Parties hereto mutually desire to put into place the following procedures in connection with the cross examination of the Declarants at the March 24, 2021 omnibus hearing.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. The Parties stipulate to the admissibility of the Declarations, subject to cross examination and re-direct examination, for purposes of the hearing. By cross examining the Declarants on the basis of their Declarations, Media Intervenors do not concede or waive any arguments as to the relevancy or sufficiency of the Declarations or any testimony elicited from Declarants at the hearing. Counsel for the Raymond Sackler Family is entitled to re-direct examination limited to the scope of the cross examination, and counsel for the Media Intervenors will be entitled to re-cross examination, if necessary, limited to the scope of the re-direct examination.

2. The Media Intervenors will provide the Raymond Sackler Family with an initial exhibit list by 5:00 p.m. EST on March 17, 2021.

3. The Raymond Sackler Family will serve any evidentiary objections and counter-designate any exhibits for use on re-direct examination by 5:00 p.m. EST on March 22, 2021.

4. The Media Intervenors will provide any objections to the Raymond Sackler Family's counter-designated exhibits by 5:00 p.m. EST on March 23, 2021.

5. The Court will resolve any objections at the March 24, 2021 omnibus hearing.

STIPULATED AND AGREED:

Dated: March 15, 2021

Washington, D.C.

/s/ Alexander B. Lees

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& Company, Inc., Boston Globe Media Partners,
LLC, and Reuters News & Media, Inc.*

SO ORDERED; provided, that the parties will provide the witnesses with any proposed exhibits (in a sealed envelope to be opened by the witness at the hearing) before the hearing.

Dated: March 16, 2021
White Plains, New York

/s/Robert D. Drain

THE HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE